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10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14
15 UNITED STATES OF AMERICA,) No. CR 08-00156 JW
16 Plaintiff,)
17 v.) TRIAL STIPULATIONS II
18 STEVEN RODRIGUEZ,) Trial Date: August 5, 2008
19 Defendant.) Time: 9:00 a.m.
) Court: Hon. J. Ware

20
21 IT IS HEREBY STIPULATED by and between the United States and defendant, Steven
22 Rodriguez, as follows:

23
24 1. That prior to February 23, 2007, the defendant had been convicted of a crime
25 punishable by imprisonment of a term exceeding one year.

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27
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1 2. That the firearm found at 1535 San Andreas Rd. in Watsonville, California (the
2 Manresa Lodge), a Remington Model 870 12 gauge pump-action shotgun, serial
3 number V631321V, marked as Exhibit 8, was manufactured in New York.

4 3. That the ammunition seized at the Manresa Lodge, one round of 12 gauge
5 ammunition containing the head-stamp "R-P", marked as Exhibit 9a, was
6 manufactured in Arkansas or Connecticut; another round of 12 gauge ammunition
7 containing the head-stamp "Peters", marked as Exhibit 9b, was manufactured
8 in Ohio; another round of 12 gauge ammunition containing the head-stamp "Duck
9 Symbol", marked as Exhibit 9c, was manufactured in Minnesota; the last two
10 rounds of 12 gauge ammunition containing the head-stamp "Sellier & Bellot.",
11 marked as Exhibit 9d and 9e, was manufactured in the Czech Republic.

12 4. That the defendant tested positive for narcotics use nine separate times according
13 to toxicology reports done by National Toxicology Laboratories, Inc. On
14 **September 7, 2005**, the defendant tested positive for amphetamines and
15 methamphetamines. On **October 24, 2005**, the defendant tested positive for
16 amphetamines and methamphetamines. On **January 23, 2006**, the defendant
17 tested positive for amphetamines and methamphetamines. On **February 16, 2006**,
18 the defendant tested positive for amphetamines and methamphetamines. On
19 **March 1, 2006**, the defendant tested positive for amphetamines and
20 methamphetamines. On **March 29, 2006**, the defendant tested positive for
21 amphetamines and methamphetamines. On **May 16, 2006**, the defendant tested
22 positive for amphetamines and methamphetamines. On **February 8, 2007**, the
23 defendant tested positive for amphetamines and methamphetamines. On
24 **February 23, 2007**, the defendant tested positive for amphetamines and
25 methamphetamines.

26 5. That on two occasions, **March 16, 2005** and **November 17, 2005**, the defendant
27 signed statements admitting he used methamphetamine.

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6. Amphetamines and methamphetamines are controlled substances as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802).

DATED: August 5, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
JEFFREY B. SCHENK
Assistant United States Attorney

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